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OFFICE OF PETITIONS

In re Application of
Yu Liu et al.
Application No. 10/607,584
Filed: June 27, 2003
Attorney Docket No. 03501.141

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration filed under 37 CFR 1.47(a) on March 22, 2004.

The petition is **GRANTED**.

The above-identified application was filed on June 27, 2003 naming Yu Liu, M. Parameswara Reddy, Chitra K. Ratnayake and Edward V. Koh as inventors but without a signed declaration. Accordingly, on September 22, 2003, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, on October 20, 2003, a petition was filed with a declaration signed only by joint inventors Liu, Reddy and Ratnayake. Petitioners assert that the Declaration was sent to joint inventor Koh on three occasions and that telephone calls made to the phone number of record were made and messages left but neither the declaration was returned nor the phone calls. The petition was dismissed however because petitioners had not established that a copy of the complete application (specification, including claims, drawings, if any, and the declaration) was sent to the non-signing inventor.) since they have been unsuccessful in reaching Mr. Koh with respect to this application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

In response to the decision dismissing the petition filed October 20, 2003, the instant petition shows that a complete application has been sent to non-signing inventor Edward V. Koh, that he has accepted delivery of the application materials sent, and that he has, by his actions, refused to cooperate with the filing of the instant application.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 1753 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions